

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES GARAVAGLIA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:20-CV-1681-CDP
)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

**DEFENDANT DARLENE GREEN’S MOTION TO COMPEL
AND MOTION FOR A PROTECTIVE ORDER**

COMES NOW Defendant Darlene Green, by and through her undersigned counsel, and hereby moves this Court to compel counsel for Plaintiff to provide to counsel for Defendant Green deposition dates for Plaintiff during the month of January 2022. Defendant Green also moves for an order from this Court directing that Defendant Green’s deposition be allowed to proceed no earlier than one week after the date set for Plaintiff’s deposition. As grounds for this Motion, Defendant Green states as follows:

1. On October 18, 2021, Defendant Green served a Notice of Deposition on counsel for Plaintiff, scheduling Plaintiff’s deposition for Monday, December 6, 2021. (*See* Notice of Deposition attached hereto as Exhibit 1.)
2. On October 19, 2021, counsel for Plaintiff responded to the Notice of Deposition by advising that neither counsel nor Plaintiff would be available for deposition on that date, but Plaintiff’s counsel would supply alternative dates for the deposition. (*See* email attached hereto as Exhibit 2.)
3. On November 8, 2021, counsel for Plaintiff sent a follow-up response suggesting that the deposition of Plaintiff could be scheduled for the week between Christmas and New

Year's. In that email transmission, counsel for Plaintiff also suggested that he would like to schedule Defendant Green's deposition either on the same day or the day after Plaintiff's deposition. (*See* email string attached hereto as Exhibit 3.)

4. On November 12, 2021, counsel for Defendant Green advised counsel for Plaintiff that, because of the holidays, scheduling depositions during the week between Christmas and New Year's would be problematic for Defendants and suggested that counsel for Plaintiff provide alternative dates the first two weeks in January. Counsel for Defendant Green also advised that in order to properly prepare Defendant Green for her deposition, Defendant Green would like at least one week after deposing Plaintiff to produce Defendant Green for her deposition. (*See* email string attached hereto as Exhibit 3.)

5. In response to this request, counsel for Plaintiff has insisted that the deposition of Plaintiff and the deposition of Defendant Green be scheduled on consecutive days, and he is unwilling to schedule Defendant Green's deposition to occur within one week after the Plaintiff's deposition. (*See* email string attached hereto as Exhibit 3.)

6. Based upon that insistence, so far, counsel for Plaintiff has refused to provide dates in January for the deposition of Plaintiff until the issue of the timing of Defendant Green's deposition has been resolved. (*See* email string attached hereto as Exhibit 3.)

7. Counsel for Defendant Green has attempted in good faith to resolve this dispute and has unsuccessfully attempted to reach Plaintiff's counsel by telephone to discuss and resolve this impasse.

8. Given the current discovery schedule and Defendant Green's desire to get Plaintiff's currently noticed December 6, 2021 deposition rescheduled for a date in January, Defendant Green respectfully requests this Court to order counsel for Plaintiff to provide firm

dates in January for the rescheduling of Plaintiff's deposition, and to further order that the deposition of Defendant Green shall be scheduled no earlier than one week after Plaintiff's deposition.

9. The undersigned counsel for Defendant Green submits that one week following the date of Plaintiff's deposition will afford him sufficient time to properly prepare Defendant Green for her deposition.

WHEREFORE, Defendant Darlene Green prays for an order from this Court directing counsel for Plaintiff to provide dates in January for Plaintiff's deposition and further order that the deposition of Defendant Green be scheduled no earlier than one week following Plaintiff's deposition, and for such other and further relief in favor of Defendant Green as the Court may deem just and proper in the circumstances.

Respectfully submitted,

LEWIS RICE LLC

By: /s/ Ronald A. Norwood
Ronald A. Norwood, #33841MO
Joy D. McMillen, #42822MO
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101-1311
314.444.7759 (direct)
314.612.7759 (fax)
rnorwood@lewisrice.com
jmcmillen@lewisrice.com

Attorneys for Defendant Darlene Green

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of November 2021, a true and correct copy of the foregoing was served by operation of the Court's electronic case filing system and via e-mail on the following counsel of record:

Richard B. Blanke
Paul L. Schmitz
Uthoff, Graeber, Bobinette & Blanke
906 Olive Street, Suite 300
St. Louis, MO 63101
rblanke@ugbbllaw.com
pschmitz@ugbbllaw.com

Sheena Hamilton
City Counselor
1200 Market Street
St. Louis, MO 63101
hamiltons@stlouis-mo.gov

/s/ Ronald A. Norwood